



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

May 20, 2021

BY CM/ECF

The Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Ari Teman*, S2 19 Cr. 696 (PAE)

Dear Judge Engelmayer:

The Government writes to respectfully request a two-week extension of time from May 26, 2021, to June 9, 2021, to file responses to defendant Ari Teman's letter dated April 28, 2021 (Dkt. No. 218) (the "April 28 Letter") and Teman's letter dated May 14, 2021 (Dkt. No. 222) (the "May 14 letter").

On January 28, 2021, the Court requested that the parties submit briefing in February 2021 on two "discrete points": bail pending appeal and restitution and forfeiture. Dkt. No. 202 at 1-3. Following a series of adjournments, on April 2, 2021, the Government submitted a letter detailing its position on forfeiture and restitution. *See* Dkt. No. 215. On the same day, rather than filing his letter setting forth a position on bail pending appeal, Teman filed a letter criticizing the Government for filing its motion and seeking a further adjournment. *See* Dkt. No. 216.

By Order dated April 26, 2021 (Dkt. No. 217) (the "April 26 Order"), the Court set a modified briefing schedule specifically authorizing the following: (1) a defense letter "in support of bail pending appeal," due April 28, 2021; (2) a defense letter addressing the "discrete issues" of whether there are "'supplemental questions of law or fact' for appeal . . . that directly arise out of Professor Fraher's expert report," due May 14, 2021; (3) a defense letter "in response to the Government's submission on restitution and forfeiture," due May 14, 2021; (4) a Government letter "in response to the defense's submissions as to bail pending appeal," due May 26, 2021; and (5) a Government reply letter "in support of its application for restitution and forfeiture" to respond to questions raised by Professor Fraher's expert opinion, due May 26, 2021. *See* April 26 Order at 2-3. The Court specifically noted that it "does not authorize any additional submissions." *Id.* at 3.

Notwithstanding the Court's clear directives in the April 26 Order, in April 28 Letter, rather than addressing simply whether Teman "qualifies for bail pending appeal," *see* Dkt. No. 202 at 1, Teman instead argues for post-trial dismissal of the indictment or, in the alternative, for a new trial. *See* April 28 Letter at 13-15. Only in the final page of his 15-page letter does Teman briefly address the question of bail pending appeal. *Id.* at 15. Likewise, the May 14 Letter does not meaningfully address whether there are "'supplemental questions of law or fact' for appeal . . .

that directly arise out of Professor Fraher’s expert report” or provide a “response to the Government’s submission on restitution and forfeiture.” *See* April 26 Order at 2-3. Rather, the May 14 Letter represents a “supplement [to the defendant’s] previous submission in support of vacatur of Mr. Teman’s conviction.” Dkt. No. 222 at 1. The May 14 Letter fails to address bail pending appeal and only briefly addresses restitution. *Id.* at 7.

Although Teman's letters stray far from the discrete points on which the Court requested supplemental briefing, the Government believes it is necessary to respond to Teman's factual and legal arguments and allegations of misconduct. The Government therefore seeks a two-week extension of time from May 26, 2021, to June 9, 2021, within which to submit its response to the defendant's two letters. An extension of time is necessary and appropriate due to the wide-ranging factual and legal issues raised in Teman's submission, far beyond those contemplated by the Court when it set the current briefing schedule on April 26, 2021. *See* April 26 Order.

Respectfully submitted,

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By: /s/
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Granted. The Government's submissions are now due June 9, 2021.
The Clerk of Court is requested to terminate the motion at Dkt. No. 223.

SO ORDERED.

5/21/2021

Paul A. Engelmayer

PAUL A. ENGELMAYER
United States District Judge